

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF OREGON
3 PORTLAND DIVISION

4
5 ESTATE OF AARON D. STANTON,) Case No. 3:23-cv-01767-AN
6 BY DOUGLAS STANTON, PERSONAL)
7 REPRESENTATIVE; AND A.S., A)
8 MINOR, BY AND THROUGH HER)
9 GUARDIAN AD LITEM, DOUGLAS)
10 STANTON,)
11)
12 Plaintiffs,)
13)
14 vs.)
15)
16 JOSHUA DYK and CITY OF)
17 PORTLAND,)
18)
19 Defendants.)
20)
21)
22)
23)
24)
25)

14 VIDEOTAPED DEPOSITION OF
15 VANSOPHEAK PHOU

16 Taken on behalf of Defendants
17 * * *

18 BE IT REMEMBERED THAT, pursuant to the
19 Federal Rules of Civil Procedure, the deposition
20 of VANSOPHEAK PHOU was taken before KIM NERHEIM,
21 a Certified Shorthand Reporter for Oregon
22 and Certified Court Reporter for Washington,
23 on Friday, November 8, 2024, commencing at the
24 hour of 9:04 a.m., at the offices of Albies,
25 Stark & Guerriero, 1500 S.W. 1st Avenue, Suite 1000,
Portland, Oregon.

1 APPEARANCES:

2
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8 PORTLAND CITY ATTORNEY'S OFFICE
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13
14 ALSO PRESENT: Douglas Stanton
Eric Montross, Videographer

15 * * *

1 I can write it out for you, if you --

2 Q No, that's okay.

3 When did your brother leave your apartment?

4 A I do not remember.

5 Q The next day? 10:38:39

6 A Maybe the next day or next couple day.

7 Q Did he stay with you for a couple days?

8 A Yeah.

9 Q Did you stay in your apartment for a couple days?

10 A Yeah. 10:38:49

11 Q Did anybody come to visit you?

12 A I -- no, because I did not tell anybody.

13 Q Doug or Karen?

14 A Oh, oh. Them, yes, but not my family side.

15 Q Okay. So Doug and Karen came to visit you? 10:39:16

16 A Yeah.

17 Q When was that?

18 A When I -- before I move back to Clackamas Mall. I
19 think Karen come to visit me and help me move.

20 Q How many days after that -- after Aaron passed away
21 was that? 10:39:30

22 A I think four day or five day after he pass away.

23 Q Had you already planned on moving --

24 A Yeah.

25 Q -- before he was -- before he passed away? 10:39:41

1 A Yeah.

2 Q How was A **REDA** **CTED** in those four or five days?

3 A She -- she did not -- she crying; she miss her daddy;
4 she asking where Daddy at, when he coming back.

5 Q Did she talk more -- did she tell you anything in
6 those next four or five days about what happened at the
7 house?

10:40:17

8 A I do not remember, because I was busy crying.

9 Q So you do not remember anything A **REDA** **CTED** said in those
10 four or five days after?

10:40:35

11 A Yeah, I do not remember.

12 Q When's the first time that you can remember talking
13 to A **REDA** **CTED** about what happened at the house?

14 A I think a few week later; that's when I will be able
15 to pull myself up a little bit.

10:41:00

16 Q What do you remember about talking to her then?

17 A She ask me where Daddy at, and I tell her nicely and
18 gently that we no longer have Daddy.

19 Q Did **REDA** **CTED** -- do you remember A **REDA** **CTED** telling you
20 anything about that night?

10:41:33

21 A She did not tell me anything until after a few month
22 or a couple week later on.

23 Q What did she tell you a couple weeks later?

24 A She told me something about that she saw Daddy purple
25 lip, she tried to put and -- and she's right next to him.

10:41:57

1 And the officer -- one of the officer pick her up and then
2 they tell her that he killed himself.

3 Q At the time the officer -- she said that when that
4 officer picked her up, that officer said he killed
5 himself?

10:42:26

6 A Yeah. She did not tell me that until, like, a few
7 weeks -- few week or month later after that incident, when
8 she had one of the breakdown.

9 Q Do you think that Aaron wanted to die that night?

10:42:51

10 A No.

11 Q You told the officers that -- during your interview,
12 that Aaron had been out of control for about a year?

13 A Yeah, maybe for two years prior he pass away, he --
14 he get angry because all due to the homeless; and car,
15 that he cannot get in and out of the neighborhood; and
16 low-income apartment right next door. That's why we move
17 out.

10:43:11

18 Q How would -- so when you said that --

19 Do you remember telling the officer that he
20 was out of control?

10:43:33

21 A Yes.

22 Q How -- what would he do that would make him seem out
23 of control?

24 A He just screaming and yelling through the bathroom
25 door or through the bedroom; he lock himself in and

10:43:41

1 Q Okay. So I'm talking specifically about July 27,
2 2022, when the officer told you that -- you knew that
3 A ~~REDACTED~~ was with Aaron that evening; correct?

4 A Yeah.

5 Q And when he told you -- when the officer told you 10:58:58
6 that Aaron was outside firing his weapon, you knew A ~~REDACTED~~
7 was with him; correct?

8 A Yes.

9 Q Did you ever have any concern about him firing the
10 weapon when A ~~REDACTED~~ was next to him that night? 10:59:10

11 MS. ALBIES: Object to the form of the
12 question.

13 You can answer.

14 Q BY MR. CALDWELL: And let me rephrase it, because I
15 understand. 10:59:19

16 Did you ever have any concern that --

17 MR. CALDWELL: And you'll probably object
18 again, so...

19 Q BY MR. CALDWELL: Did you ever have any concern that
20 he was caring for A ~~RED ACTE~~ in and around the house while he 10:59:27
21 was firing off that weapon that evening?

22 A I do not know how to answer that question.

23 Q To the best of your ability.

24 A Because, what I understand Aaron is he did not use
25 gun around the kid, and it's so surprising me on that day 10:59:46

1 that he used the gun around the kid.

2 But the way the officer told me that when
3 Aaron shooting the gun with -- at them in the front deck,
4 A **REDACTED** was inside the house or on the side -- or be -- or
5 in the backyard hiding from cop. I think, if I remember
6 correctly, that's what the cop told me. 11:00:08

7 Q Okay. So, to your understanding, A **REDACTED** did not see
8 him get shot, then.

9 A Yes, according to the way they told me, it is. But
10 they -- but she saw him dying.

11 Q Okay. But I just want to clarify. As you sit here
12 today, your understanding is that A **REDACTED** did not see him
13 get shot.

14 THE WITNESS: I do not know how to answer
15 the question.

16 MS. ALBIES: If you can answer the question
17 other than your conversations with me or Dave, then you
18 can answer the question.

19 A The way the cop told me the way -- and including the
20 way my understanding is that **REDACTED** did not see the cop
21 shooting him. She did not. 11:00:58

22 Q BY MR. CALDWELL: But she saw him sometime after he
23 was shot.

24 A Yeah. After he shot and then she saw him on his last
25 breath, dying, because she told me that she tried to wake

11:01:13

1 him up and saw her pinch -- tried to pinch the top of his
2 lip.

3 Q Do you need a minute?

4 A No.

5 Q That was some months later that she told you that; 11:01:30
6 correct?

7 A Yeah. That's when she had one of the breakdowns.

8 Q Did you ever hear anybody else say they thought Aaron
9 might have wanted to die that night?

10 A No, I do not. 11:01:49

11 Q Your brother?

12 A No, not from my brother, no.

13 Q Karen or Doug?

14 A No.

15 Q Did you ever think any of Aaron's behaviors needed to 11:02:08
16 be reported to the police?

17 A No, I do not.

18 Q When was the last time you talked with A ~~CTED~~ REDA about
19 that evening?

20 A I do not remember when the last time I talked to her 11:02:54
21 about it. Oh, you mean --

22 Can you repeat that question?

23 Q Sure. When was the last time you spoke to A ~~CTED~~ REDA
24 about that evening?

25 A I do not remember, because I try to avoid the 11:03:09

conversation with her, so I never brought it up to her.

Q Is A **RED ACTE** in therapy or counseling now?

A She see school counselor at Sunset Primary School.

Q How often does she see a counselor?

A Maybe once a week.

11:03:30

Q And why does she see a counselor?

A Because she had one -- having one of that episode
that she miss her daddy so she just start to cry at
school, and the teacher sent her to the school counselor.

10 Q Did she have any other counseling or therapy outside
11 of seeing the school counselor?

11:04:05

A No.

13 Q Has she ever had therapy or counseling outside of the
14 school counselor?

15 A No.

11:04:13

16 O And is that a regularly scheduled counseling session?

17 A She only had counseling with that school counselor.

18 | Q Right. So my question is just a little bit

19 different, in that, is that like every Tuesday at 3:00 she
20 sees that counselor, or is it just as needed?

21 A Oh, just as needed.

Q And so how often does that happen?

23 A For the first year, maybe once a week or once a
24 month. But by after her second grade, a lot better. Less
25 and less frequency.

11:04:50

1 CERTIFICATE

2 I, Kim Nerheim, an Oregon Certified Shorthand
3 Reporter and a Washington Certified Court Reporter, hereby
4 certify that said witness personally appeared before me at
5 the time and place set forth in the caption hereof; that
6 at said time and place I reported in stenotype all
7 testimony adduced and other oral proceedings had in the
8 foregoing matter; that thereafter my notes were
9 transcribed through computer-aided transcription, under my
10 direction; and that the foregoing pages constitute a full,
11 true and accurate record of all such testimony adduced and
12 oral proceedings had, and of the whole thereof.

13 I further certify review of the transcript was
14 requested.

15 Witness my hand at Portland, Oregon, this 25th
16 day of November, 2024.

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18
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20 

21 Kim Nerheim

22 Oregon CSR No. 90-0138

23 Expires 9/30/2026

24 Washington CCR No. 0003038

25 Expires 3/28/2025